

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

ROY R. CASSTEVENS,)
)
Plaintiff,)
)
v.) 1:07CV657
)
MICHAEL J. ASTRUE,)
Commissioner of Social Security,)
)
Defendant.)

ORDER

The Recommendation of the United States Magistrate Judge was filed with the court in accordance with 28 U.S.C. § 636(b) and, on October 15, 2008, was served on the parties in this action. The Commissioner objected to the Recommendation (Doc. 23), and the Plaintiff has filed a response (Doc. 25).

The court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made and has made a *de novo* determination, which is in accord with the Magistrate Judge's report. The court therefore adopts the Magistrate Judge's Recommendation.

IT IS THEREFORE ORDERED that Plaintiff's motion for summary judgment (Doc. 14) be **GRANTED**, that the Commissioner's motion for judgment on the pleadings (Doc. 18) be **DENIED**, and that this matter be **REMANDED** to the Commissioner for further proceedings consistent

with this decision. A judgment dismissing this action will be entered contemporaneously with this Order.

/s/ Thomas D. Schroeder
United States District Judge

May 14, 2009